

35. 24.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2481 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **New Town** Police Station Case No. **477/2018**, dated **18.11.2018** under Sections **302/34** of the Indian Penal Code read with Sections **25/27** Arms Act. Charge-sheet submitted on 31.01.2019 under Sections **302/201/120B/34** of the Indian Penal Code.
And

In the matter of: - **Laskar Mohar @ Mohar Ali Laskar @ Mohar Loskar**
...petitioner.
Mr. Khalid Hasan
Mr. Md. Musa Desai
...for the petitioner.
Ms. Faria Hossain, APP
...for the State.
Ms. Anita Kaunda
Ms. Anubrata Dutta
...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected thrice earlier. However, he says that he is in custody for over six years. Only one out of 37 charge-sheet named witnesses has been examined and that too, in part. On the ground of delay he prays for bail.
2. While opposing the prayer for bail, learned Advocates for the State and *de facto* complainant say that the charge is serious. The petitioner shot dead the victim. The petitioner has been identified in Test Identification (T.I.) Parade. There is a very

strong case against this petitioner. The accused persons are contract killers.

3. The prosecution may have a very strong case against the accused persons including this petitioner. However, that would not be a justification for indefinite custodial detention of an under-trial without bringing the trial to a logical conclusion. The paramount importance of the fundamental right to personal liberty and speedy trial that a citizen has, can hardly be over-emphasized. We see that there is absolutely no possibility of an early conclusion of the trial. Even one out of 37 charge-sheet named witnesses has not been fully examined.
4. In the aforesaid factual scenario, without going into the merits of the case and solely on the ground of inordinate delay in progress of trial, we feel impelled to grant bail to the petitioner but on stringent conditions.
5. Accordingly, we direct that the petitioner, namely, **Laskar Mohar @ Mohar Ali Laskar @ Mohar Loskar** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Fast Track Court-2, Barasat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 /

Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Rajarhat Police Station except for the purpose of attending Court proceedings and shall furnish his present address to the Officer-in-Charge of New Town Police Station and also meet the Officer-in-Charge of the jurisdictional Police Station, where he will be residing, once in a week, until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 2481 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)